

BEFORE THE SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF A SHORELINES
SUBSTANTIAL DEVELOPMENT PERMIT
GRANTED BY THE CITY OF WOODLAND
TO G.P.S. INVESTMENTS,

THE CHERRY BLOSSOM LANE GROUP,

Appellants,

v.

THE CITY OF WOODLAND and G.P.S.
INVESTMENTS,

Respondents.

SHB No. 88-7

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

This matter is the Request for Review of a shoreline substantial development permit granted for the construction of an 88-unit apartment complex in Woodland, Washington.

The matter came on for hearing before the Shorelines Hearings Board, Wick Dufford, Chairman, Judith A. Bendor, Nancy Burnett, Ronald T. Bailey, Steven W. Morrison, Members.

William A. Harrison, Administrative Appeals Judge presided.

1 The hearing was conducted at Kelso, Washington on May 26, 1988.
2 The Board viewed the site of the proposed development at Woodland in
3 the company of the parties.

4 Appellant appeared by Karin J. DeDona, Attorney at Law.
5 Respondent City of Woodland appeared by James L. Sellers, Attorney at
6 Law. Respondent G.P.S. Investments appeared by Ronald S. Marshall,
7 Attorney at Law. Reporter Gene Barker provided court reporting
8 services.

9 Witnesses were sworn and testified. Exhibits were examined.
10 Closing arguments were filed by June 10, 1988. From testimony heard
11 and exhibits examined, the Shorelines Hearings Board makes these

12 FINDINGS OF FACT

13 I

14 This matter arises in the City of Woodland near the Lewis River

15 II

16 The site in question is a little less than 4 acres. It is
17 separated from the Lewis River by 1) State Highway 503, 2) a seawall
18 which borders the highway on the river side and 3) a strip of land
19 bordering the river which is not owned by the project proponent.

20 III

21 The site is presently developed with three duplexes and three
22 abandoned dwellings. The proposed development consists of an 88-unit
23 apartment complex with off-street parking.

24
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IV

The site is designated "urban" by the applicable shoreline master program, Cowlitz County Shoreline Master Program (CCSMP), CCSMP Plate I. The CCSMP has been adopted by the City of Woodland.

V

The project proponent, G.P.S. Investments, applied to the City of Woodland for a shoreline substantial development permit on November 9, 1987. The City issued a Declaration of Non-Significance under the State Environmental Policy Act, chapter 43.21C RCW. On January 4, 1988, the City granted the shoreline permit. Appellants, the Cherry Blossom Lane Group, filed their request for review of that permit before this Board on February 16, 1988.

VI

Appellants reside within a single family neighborhood of 13 homes adjacent to the site and located on Cherry Blossom Lane.

VII

Traffic. There are currently 6,000-7,000 vehicle trips per day along SR 503 adjacent to the site. The proposed development would add some 620 vehicle trips per day, an increase of some 10 per cent. This increase would not materially harm the level of service provided by the highway, provided that left turn channelization is added as proposed. The proposed development is as shown on Exhibit R-7 of this record including the left turn channelization depicted there.

VIII

View. The seawall now prevents river view from either the site or the adjacent single-story homes of appellants. The proposed development would afford river views to persons living in second or third floor units. The proposal would not interfere with appellants' shoreward view.

IX

Fill. It was not shown that fill involved in the proposal, if any, would have any adverse effect.

X

Stormwater runoff. The proposal includes a percolation stormwater disposal system by which stormwater from the site would be collected, subjected to an oil-water separator, and discharged into a 40" diameter dry well for dispersion underground. Soil percolation tests have shown that the soils can handle this system. The system would be separate from sanitary sewers serving the development. Appellants did not demonstrate that any adverse effects are likely from the proposed stormwater disposal system.

XI

Sewage Treatment Plant Capacity. It was not proven that the development is likely to exceed sewage treatment plant capacity.

XII

Parking. The applicable parking ordinance is section 17.56.070 of the city code. It provides for 1 1/2 parking spaces for each of

1 the 64 proposed units which are one or two bedroom units and 2 parking
2 spaces for each of the 24 proposed units which are 3 bedroom units.
3 This results in the requirement of 144 parking spaces which is met by
4 the 158 parking spaces proposed.

5 XIII

6 Vegetation and Wildlife. A number of native trees will be saved
7 on the site. However, all or many of the aged fruit trees which are
8 there would be removed. Some of these are diseased, many have been
9 neglected. New ornamental trees and shrubbery will be added as
10 landscaping. Contrary to the environmental checklist there are many
11 types of songbirds presently using the site. The altered habitat and
12 increased intensity of human use, however, is likely to diminish the
13 number and diversity of birds on site. However, appellants have not
14 demonstrated that this result will have a significant adverse impact
15 to the bird population in the area, or any cumulative impacts. Bald
16 eagles are sometimes observed near the vicinity of the site. None are
17 known to use it regularly. The proposed development has not been
18 shown to pose any significant threat of harm or displacement to bald
19 eagles.

20 XIV

21 Any Conclusion of Law deemed to be a Finding of Fact is hereby
22 adopted as such. From these Findings of Fact, the Board makes these
23
24
25

CONCLUSIONS OF LAW

I

The environmental checklist was inaccurate in declaring that birds do not occupy the site. However, even were this response corrected to conform to the evidence before us, given the finding of no probable adverse impacts, the Declaration of Non-Significance was adequate for the proposed development.

II

The proposed residential development is a permitted use within the "urban" designation of this site under the master program. CSSMP at p. 58.

III

Appellants have not shown that the proposed development is inconsistent with the policies of the Shoreline Management Act at RCW 90.58.020.

IV

We have carefully considered the other contentions of the appellants, and find them to be without merit.

V

The shoreline permit does not explicitly specify a site diagram governing the proposal. A suitable diagram is Exhibit R-7 on this record, and the permit should specify development in substantial compliance therewith.

VI

Any Finding of Fact deemed to be a Conclusion of Law is hereby
adopted as such. From these Conclusions of Law, the Board enters this

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ORDER

The shoreline substantial development permit is remanded for re-issuance to require development in substantial compliance with exhibit R-7 on this record, and as so amended is affirmed.

DONE at Lacey, Washington, this 27th day of July, 1988

SHORELINES HEARINGS BOARD

Wick Dufford

WICK DUFFORD, Chairman

Judith A. Bendor

JUDITH A. BENDOR, Member

Nancy Burnett

NANCY BURNETT, Member

Ronald T. Bailey

RONALD T. BAILEY, Member

Steven W. Morrison

STEVEN W. MORRISON, Member

William A. Harrison

WILLIAM A. HARRISON
Administrative Appeals Judge

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